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SPECIAL ISSUE

Kenya Gazette Supplement No. 175 (Acts No. 22)

REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

ACTS, 2025

NAIROBI, 21st October, 2025

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22 OCT 2025
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PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIROBI

THE NATIONAL LAND COMMISSION (AMENDMENT) ACT, 2025

No. 22 of 2025

Date of Assent: 15th October, 2025

Date of Commencement: 4th November, 2025

AN ACT of Parliament to amend the National Land Commission Act, and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

Short title.

1. This Act may be cited as the National Land Commission (Amendment) Act, 2025.

Repeal and replacement of section 14 of Cap. 281.

2. The National Land Commission Act (in this Act referred to as "the Principal Act") is amended by repealing section 14 and replacing therefor the following new section—

Review of grants and dispositions

14. (1) Subject to Article 68(c)(v) of the Constitution, the Commission shall, within five years of the coming into force of this section, on its own motion or upon a complaint by the national or a county government, a community or an individual, review all grants or dispositions of public land issued before the 27th August, 2010 to establish their propriety or legality, upon hearing all parties affected.

(2) Subject to Articles 40, 47 and 60 of the Constitution, the Commission shall make rules for the better carrying out of its functions under subsection (1).

(3) In the exercise of the powers under subsection (1), the Commission shall give every person who appears to the Commission to have an interest in the grant or disposition concerned, a notice of such review and an opportunity to appear before it and to inspect any relevant documents.

(4) After hearing the parties in accordance with subsection (3), the Commission shall make a determination.

(5) Where the Commission finds that the title was acquired in an unlawful manner, the Commission shall, direct the Registrar to revoke the title.

(6) Where the Commission finds that the title was irregularly acquired, the Commission shall take appropriate steps to correct the irregularity and may also make consequential orders.

(7) No revocation of title shall be effected against a bona fide purchaser for value without notice of a defect in the title.

(8) In the exercise of its power under this section, the Commission shall be guided by the principles set out under Article 47 of the Constitution.

(9) A person may register a determination made under subsection (4) in the High Court.

Cap. 21.

(10) A person may enforce a judgment that is entered under subsection (9) in the manner provided in the Civil Procedure Act.

(11) The Commission shall publish in the Gazette all determinations made under subsection (4).

Cap. 7L.

(12) A person who is aggrieved by a determination under this section may apply for review of the determination under section 7 of the Fair Administrative Action Act.

(13) The Commission may, where it considers it necessary, petition Parliament to extend the period for undertaking the review specified in subsection (1).

Repeal and replacement of section 15 of Cap. 281.

3. The Principal Act is amended by repealing section 15 and replacing therefor the following new section—

Historical land injustices

15. (1) Pursuant to Article 67(2)(e) of the Constitution, the Commission shall

initiate, receive, admit and investigate any historical land injustice complaint and recommend an appropriate redress.

(2) For the purposes of this section, a historical land injustice means a grievance which—

(a) was occasioned by a violation of right in land on the basis of any law, policy, declaration, administrative practice, treaty or agreement;

(b) resulted in displacement from their habitual place of residence;

(c) occurred between 15th June 1895 when Kenya became a protectorate under the British East African Protectorate and 27th August, 2010 when the Constitution of Kenya was promulgated;

(d) has not been sufficiently resolved and subsists up to the period specified under paragraph (c); and

(e) meets the criteria set out under subsection (3) of this section.

(3) A historical land claim may only be admitted, registered and processed by the Commission if—

(a) it is verifiable that the act complained of resulted in displacement of the claimant or other form of historical land injustice;

(b) the claim has not or is not capable of being addressed through the ordinary court system on the basis that—

(i) the claim contradicts a law that was in force at the time when the injustice began; or

(ii) the claim is debarred under section 7 of the Limitation of Actions Act or any other law;

(c) the claimant was either a proprietor or occupant of the land upon which the claim is based; and

(d) no action or omission on the part of the claimant amounts to surrender or renouncement of the right to the land in question.

(4) A claim alleging historical land injustice shall be permissible if it was occasioned by—

(a) colonial occupation;

(b) independence struggle;

(c) pre-independence treaty or agreement between a community and the government;

(d) development-induced displacement for which no adequate compensation or other form of remedy was provided, including conversion of non-public land into public land;

(e) inequitable land adjudication process or resettlement scheme;

(f) politically motivated or conflict based eviction;

(g) corruption or other form of illegality;

(h) natural disaster; or

(i) other cause approved by the Commission

(5) When conducting investigations under subsection (1) into historical land injustices the Commission may—

(a) request from any person including any government department such

particulars, documents and information regarding any investigation, as may be necessary; or

(b) by notice in writing, addressed and delivered by a staff of the Commission to any person, direct such person, in relation to any investigation, to appear before the Commission at such time and place as may be specified in the notice, and to produce such documents or objects in the possession, custody or under the control of such person and which are relevant to that investigation.

(6) Where a complainant is unable to provide all the information necessary for the adequate submission or investigation of a complaint, the Commission shall take reasonable steps to have this information made available.

(7) If at any stage during the course of an investigation, the Commission is of the opinion that the resources of the Commission may be more effectively utilized if all claims within a given area or township were to be investigated at the same time, the Commission shall cause to be published in the Gazette or in such other manner as the Commission may deem appropriate, a notice advising potential complainants of the decision and inviting them to lodge claims within a period specified in such notice.

(8) A claim in respect of a matter contemplated in subsection (7) shall not be lodged after the expiry of the period specified in the said notice.

(9) The Commission, after investigating any case of historical land injustice referred to it, shall recommend any of the following remedies—

(a) restitution;

(b) compensation, if it is impossible to restore the land;

(c) resettlement on an alternative land;

(d) rehabilitation through provision of social infrastructure;

(e) affirmative action programmes for marginalized groups and communities;

(f) creation of wayleaves and easements;

(g) order for revocation and reallocation of the land;

(h) order for revocation of an official declaration in respect of any public land and reallocation;

(i) sale and sharing of the proceeds;

(j) refund to *bona fide* third party purchasers after valuation; or

(k) declaratory and preservation orders including injunctions.

(10) Upon determination of a historical land injustice claim by the Commission, any authority mandated to act under the redress recommended shall be required to do so within three years.

(11) The Commission shall publish in the Gazette all determinations made under this section.

Cap. 7L. (12) A person who is aggrieved by a determination under this section may apply for review of the determination under section 7 of the Fair Administrative Action Act.

(13) The Commission shall complete an investigation under subsection (9) within one year.

(14) The Commission shall make regulations to operationalize this section within six months from the coming into force of this section.

(15) The provisions of this section shall stand repealed within five years from the coming into force of this section.

Insertion of new section 26 of Cap. 281.

4. The principal Act is amended by inserting the following new section immediately after section 26—

Bank account.

26A. (1) The Commission shall open and maintain such bank accounts as are necessary for the effective management of the Commission.

(2) A court shall not issue garnishee or charging orders against a bank account under subsection (1) or any existing bank account opened and maintained by the Commission.